

*mn*

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/747,701	BLATTNER ET AL.
	Examiner Thanh T. Vu	Art Unit 2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 06/14/2007.
2.  The allowed claim(s) is/are 1-4, 6-25, 27-31 and 33-40.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some\*    c)  None    of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a)  including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
    1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_.  
(b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of  
    Paper No./Mail Date \_\_\_\_.  
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO/SB/08),  
    Paper No./Mail Date See Continuation Sheet
4.  Examiner's Comment Regarding Requirement for Deposit  
    of Biological Material
5.  Notice of Informal Patent Application
6.  Interview Summary (PTO-413),  
    Paper No./Mail Date \_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_.

*Kristine Kincaid*  
KRISTINE KINCAID  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

Continuation of Attachment(s) 3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date: 07/25/2007; 08/15/2007.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Frank A. Italiano on 08/14/2007.

The application has been amended as follows:

1. (Currently amended) A computer-implemented method for animating a first avatar based on perceived animation of a second avatar, the method comprising:  
graphically representing a first user with a first avatar capable of being animated;  
graphically representing a second user with a second avatar capable of being animated  
wherein communication messages are being sent between the first user and the second user;  
receiving an indication of an animation of the first avatar, the first avatar being animated in response to a particular portion of a message sent between the first user and the second user;  
automatically accessing information associating animations of avatars;  
automatically identifying, based on the accessed information, an animation for the second avatar that is responsive to the indicated animation of the first avatar; and  
in response to the received indication, animating the second avatar based on the identified responsive animation.
5. (Canceled).

6. (Currently amended) The method of claim § 1 wherein the first avatar is animated in response to a particular portion of a message sent from the first user to the second user.

7. (Original) The method of claim § 1 wherein the first avatar is animated in response to a particular portion of a message sent to the first user from the second user.

22. (Currently amended) A system for animating a first avatar based on perceived animation of a second avatar, the system comprising a processor connected to a storage device and one or more input/output devices, wherein the processor is configured to:

graphically represent a first user with a first avatar capable of being animated;

graphically represent a second user with a second avatar capable of being animated wherein communication messages are being sent between the first user and the second user;

receive an indication of an animation of the first avatar, the first avatar being animated in response to a particular portion of a message sent between the first user and the second user;

automatically access information associating animations of avatars;

automatically identify, based on the accessed information, an animation for the second avatar that is responsive to the indicated animation of the first avatar; and

animate the second avatar, in response to the received indication, based on the identified responsive animation.

26. (Canceled).

28. (Currently amended) A computer-readable medium having embodied thereon a computer program configured to animate a first avatar based on perceived animation of a second avatar, the computer program comprising one or more code segments that when executed are configured to:

graphically represent a first user with a first avatar capable of being animated;

graphically represent a second user with a second avatar capable of being animated wherein communication messages are being sent between the first user and the second user;

receive an indication of an animation of the first avatar, the first avatar being animated in response to a particular portion of a message sent between the first user and the second user;

automatically access information associating animations of avatars;  
automatically identify, based on the accessed information, an animation for the second avatar that is responsive to the indicated animation of the first avatar; and  
animate the second avatar, in response to the received indication, based on the identified responsive animation.

32. (Canceled).

34. (Currently amended) A system for animating a first avatar based on perceived animation of a second avatar, the system comprises:

means to graphically represent a first user with a first avatar capable of being animated and graphically represent a second user with a second avatar capable of being animated wherein communication messages are being sent between the first user and the second user;

means to receive an indication of an animation of the first avatar, the first avatar being animated in response to a particular portion of a message sent between the first user and the second user;

means to automatically access information associating animations of avatars;

means to automatically identify, based on the accessed information, an animation for the second avatar that is responsive to the indicated animation of the first avatar; and

means to animate the second avatar, in response to the received indication, based on the identified responsive animation.

#### *Allowable Subject Matter*

Claims 1-4, 6-25, 27-31, and 33-40 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art either alone or in combination doesn't teach the limitation of "receiving an indication of an animation of the first avatar, the first avatar being animated in response to a particular portion of a message sent between the first user and the second user, automatically accessing information associating animations of avatars, automatically identifying, based on the

accessed information, an animation for the second avatar that is responsive to the indicated animation of the first avatar, and in response to the received indication, animating the second avatar based on the identified responsive animation” in combination with the other claimed features.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

*Inquiries*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh T. Vu whose telephone number is (571) 272-4073. The examiner can normally be reached on Mon-Thur and every other Fri 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2174

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

T. Vu

*Kristine Kincaid*  
KRISTINE KINCAID  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100